

R.A.1

COMMONWEALTH OF MASSACHUSETTS

WORCESTER,ss

WORCESTER SUPERIOR COURT
DOCKET NO.: 2002-00830

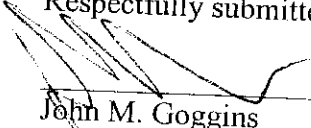
COMMONWEALTH OF MASSACHUSETTS,)
Plaintiff)
vs.)
ANTHONY LEO,)
Defendant)

MOTION TO WITHDRAW

Counsel hereby requests that this Honorable Court allow counsel to withdraw from representation of defendant in the above-captioned matter and as reasons states the following:

1. Counsel believes that the attorney/client relationship is irretrievably broken with no chance of repair.
2. Defendant has been extraordinarily critical of counsel's efforts and advice and representation of defendant to the point of being abusive. Defendant has made non-specific threat against counsel.
3. Counsel has sought over the course of the representation to remedy these issues on numerous occasions and no longer feels that he can do that.
4. Defendant refuses to follow counsel's advice on numerous issues to the point where it has and will continue to effect counsel's defense of defendant and his representation. Defendant is dissatisfied with counsel's representation.
5. Counsel firmly believes that based on the environment with defendant that counsel cannot effectively represent the defendant.
6. Counsel believes that if another attorney is involved and can start a fresh with defendant that these issues may be resolved.

Respectfully submitted


John M. Goggins
FISHER, STEPLER, FISHER & GOGGINS
47 Harvard Street
Worcester, MA 01609
Telephone: (508) 791-3466
BBO # 631254

DATED: 2/26/04

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FISHER, STEMLER, FISHER & GOGGINS

COUNSELORS AT LAW

47 HARVARD STREET

WORCESTER, MASSACHUSETTS 01609-2876

CONRAD W. FISHER
HOWARD E. STEMLER
ELIZABETH A. FISHER
JOHN M. GOGGINS

TELEPHONE: (508) 791-3466
(508) 754-6464
FACSIMILE: (508) 797-9327

March 26, 2003

Anthony Leo-A83901
MCI Concord
P.O. Box 9106
Concord, MA 01742

Dear Anthony:

Enclosed please find two copies of the letters I have sent concerning Dr. Starasburger advising him of your status as well as a letter to MCI Concord Officials requesting that he be allowed to visit you.

I would like to take this opportunity to address the March 19, 2003 letter that you handed to me. I trust that since we spoke on March 19, 2003 that all the issues that you raised in this letter have been resolved. However let me recap some of them.

You and I jointly agreed that on March 19, 2003 that we would not do a further bail hearing in front of Judge McCann in Worcester Superior Court for a variety of reasons. Also you and I agreed that I would request a Motion for Funds to get the transcripts for you July 18, 2002 bail hearing before Judge Kern and as soon as the transcripts are available I will file an appeal on your bail status to the Single Justice of the Supreme Judicial Court.

I will reiterate to you that I am doing my best for you and my job among other things is to provide the best possible defense I can for you and I believe that I am pursuing that with all of my abilities to do so. As far as communication, which is referenced in your letter. If my memory serves correctly you have called many times collect and I have always accepted the calls and have had many discussions over the telephone and I asked that you continue to call me collect anytime you have any concerns or questions that you feel should be addressed. The only times that my secretaries do not accept your call is if I am not in the office, although I believe even then they accept the phone call and inform you that I am not in the office.

Strasburger will see you within 4 weeks and have an evaluation complete within 8 weeks. Additionally within a week or so I should have the transcripts from your bail hearing and then I will file an appeal up in the Supreme Judicial Court within the next 2 weeks after.

Also, pursuant to our conversation, you have authorized me to have communications with your mother concerning this case and indeed should you have any difficulties contacting me to address any of your concerns or issues call your mother and please have her give me a call and I can call her back at night.

I believe these address all of the concerns in your letter concerning my representation of you and if you have any other questions please do not hesitate to contact me.

Sincerely,

John M. Goggins

JMG/jmw
Enclosures

Anthony Leo
O.C.C.C. A- 83901
One Administration Road
Bridgewater, Massachusetts 02324

March 13, 2004

Susan Mellen
Clerk of the Court
Supreme Judicial Court
One Beacon Street, 3rd. Floor
Boston, Massachusetts 02108-3106

RE: Commonwealth v. Anthony Leo, No:#SJ-2003-0258, and
Anthony Leo V. Commonwealth, No:#SJC-09074

Dear Ms. Mellen:

Please send me the following for:

SJ-2003-0258

1. PAPER #2 (with attachments)
2. PAPER #4 (with attachments)
3. PAPER #5 (with attachments)

and for:

SJC-09074

4. PAPER #4 (WITH ATTACHMENTS)

The reason for this request is that recently I have learned that counsel of record Attorney John M. Goggins, has file with this Court his formal Notice of Withdrawal from representation in SJC-09074. This Court has provisionally granted this motion on the condition that new counsel files a formal appearance with this Court on my behalf.

Attorney, John M. Goggins, has also withdrawn from my criminal case in the Worcester Superior Court No:#WOCR2002-0830 (1-8). There has been new counsel appointed to represent me in this case, a Attorney Daniel W. Cronin, however, Attorney Cronin has informed me that he is not authorized to represent me in this Court No:SJC-09074, and will not be representing me in this appeal.

I am now for all intensive purposed forced to appear pro se because of Attorney, John M. Goggins', abandonment of me in this case.

As such I respectfully request that this Honorable Court send me the document requested in this letter. Because even after several written and oral requests to Attorney John M. Goggins to send me all the Motions, Brief, and supporting documents he has failed to do so.

I anticipate that I will be filing a Motion to Stay, these proceedings, and a Motion to Amend Brief in SJC-09074 within the next week following this letter.

Thank you for your attention to this matter.

Sincerely,
Anthony Leo
Anthony Leo

AL/afc

c.c.: John M. Goggins, Esq.
Daniel W. Cronin, Esq.
File

Anthony Leo
O.C.C.C. A-83901
One Administration Road
Bridgewater, Massachusetts 02324

April 6, 2004

Susan Mellen
Clerk of the Court
Supreme Judicial Court
One Beacon Street, 3rd, Floor
Boston, Massachusetts 02108-3106

RE: Commonwealth v. Anthony Leo, No:#SJ-2003-0258

Dear Ms. Mellen:

Please send me the following:

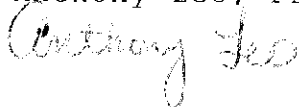
1. PAPER #2 [with attachments]
2. PAPER #4 [with attachments]
3. PAPER #5 [with attachments]

This is my second request for these documents the first being made on March 12,2004. If there is a reason unknown to me why this Court cannot send me these requested documents as proof of official record please notify me in writing. My now withdrawn counsel John M. Goggins, Esq., has not and will not provide me the defendant with copies as I have requested them several times from him.

Thank you for your attention to this matter.

Sincerely,

Anthony Leo, Pro Se



AL/afc
c.c.: File

R.A. 4

Anthony Leo (A-83901)
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

March 22, 2004

Susan Mellen
Clerk of the Court
Supreme Judicial Court
One Beacon Street, 3rd. Floor
Boston, Massachusetts 02108-3106

RE: Anthony Leo v. Commonwealth, No:#SJC-09074

Dear Ms. Mellen:

Enclosed please find for immediate filing the following:

1. NOTICE OF APPEARANCE
2. MOTION FOR STAY OF APPEAL
3. MOTION TO AMEND BRIEF AND APPENDIX
4. MOTION FOR ORDER DIRECTING FORMER COUNSEL
JOHN M. GOGGINS TO SUPPLY APPELLANT, ANTHONY LEO,
WITH COPY'S OF MOTION TO SINGLE JUSTICE AND BRIEF
AND APPENDIX AND TRANSCRIPT.
5. CERTIFICATE OF SERVICE

Thank you for your attention to this matter.

Sincerely, *Anthony Leo*
Anthony Leo, pro se, pro tempore

AL/afc

Enclosure:

c.c.: John M. Goggins, Esq.
Daniel W. Cronin, Esq.
File

R.A. 4

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPREME JUDICIAL COURT
SJC-09074

ANTHONY LEO,
Appellant,
v.
COMMONWEALTH,
Appellee.

NOTICE OF APPEARANCE

Now comes the Appellant, Anthony Leo, in the above
appeal and hereby gives notice pursuant to Rule 2:03 of the
Supreme Judicial Court of his appearance "Pro Se" pro tempore,
as follows:

Anthony Leo (A-83901)
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

(No Telephone Available)

Respectfully Submitted
by the Appellant,

Anthony Leo 3/22/04
Anthony Leo (A-83901)
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

R.A.4

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPREME JUDICIAL COURT
SJC-09074

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| |) | |
| ANTHONY LEO, |) | |
| Appellant, |) | |
| v. |) | MOTION FOR STAY OF APPEAL |
| |) | |
| COMMONWEALTH, |) | |
| Appellee. |) | |
| _____ |) | |

Now comes the Appellant, Anthony Leo, in the above appeal and moves this Honorable Court to stay this appeal until such time as the Appellant, Anthony Leo, is able to seek replacement counsel to replace former counsel John M. Goggins, Esq., and is allowed and opportunity to obtain a copy of the brief, appendix, transcripts, and a opportunity to review said brief and record on appeal and afforded an opportunity to amend the brief and appendix in this appeal.

Respectfully Submitted
by the Appellant, *Anthony Leo*

March 22, 2004

Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPREME JUDICIAL COURT
SJC-09074

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| _____ |) | |
| |) | |
| ANTHONY LEO, |) | |
| Appellant, |) | |
| v. |) | MOTION FOR LEAVE TO AMEND |
| |) | |
| COMMONWEALTH, |) | BRIEF AND APPENDIX |
| Appellee. |) | |
| _____ |) | |

Now comes the Appellant, Anthony Leo, in the above appeal and moves this Honorable Court for leave to amend the brief and appendix in this appeal filed by former counsel, John M. Goggins, Esq.

As grounds for this motion, the Appellant, Anthony Leo, states that former counsel, John M. Goggins, on March 5, 2004, filed his formal notice to withdraw with this Court. That former counsel John M. Goggins, did not discuss the issues raised in this appeal prior to filing said brief and appendix with this Court. As such the Appellant, Anthony Leo, does not know just what issues were raised in this appeal.

R.A.4

Further, since former counsel John M. Goggins, formal abandonment of the Appellant, Anthony Leo, in this appeal it is in the interest of justice to grant this motion.

Wherefore, the Appellant, Anthony Leo, respectfully requests that this Honorable Court GRANT the relief sought in the body of this motion.

March 22, 2004

Respectfully Submitted
by the Appellant,

Anthony Leo
Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

R.A. 4

until replacement counsel can be sought and files a formal notice of appearance, and or that the Appellant, Anthony Leo, will have to prosecute this appeal pro se. Further, that former counsel, John M. Goggins, has not previously supplied the Appellant, Anthony Leo, with any documents related to this appeal.

Wherefore, the Appellant, Anthony Leo, respectfully requests that this Honorable Court GRANT the relief sought in the body of this motion.

March 22, 2004

Respectfully Submitted
by the Appellant,

Anthony Leo
Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts 02324

R.A.4

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPREME JUDICIAL COURT
SJC-09074

ANTHONY LEO,
Appellant,
v.
COMMONWEALTH,
Appellee.

CERTIFICATE OF SERVICE

I, Anthony Leo, hereby certify that I have served a true copy of the foregoing motions upon:

John M. Goggins, Esq.
Attorney at Law
57 Harvard Street
Worcester, Massachusetts
01609

Daniel W. Cronin, Esq.
Attorney at Law
P.O. Box 676
Lunenburg, Massachusetts
01462

by first class mail postage prepaid on this 22 of March, 2004.

Anthony Leo
Anthony Leo, pro se, pro tempore
Old Colony Correctional Center
One Administration Road
Bridgewater, Massachusetts
02324

R.A.5

Anthony Leo
O.C.C.C.
One Administration Road
Bridgewater, Massachusetts 02324

April 5, 2004

Daniel W. Cronin
Attorney at Law
P.O. Box 676
Lunenburg, Massachusetts 01462

RE: MY WORCESTER CASE

Dear Mr. Cronin:

I am writing in response to my last telephone conversation with you, which you informed me that my case is too difficult for you to represent me and will not be able to continue as counsel in my case.

Further, you informed me that on the next scheduled Court date on April 12, 2004 you will be filing a Motion to Withdraw from my case.

Please send me a copy of this Motion to Withdraw and accompanying Affidavit in Support thereof, prior to the April 12, 2004 date.

Also, please return to me everything that I have sent to you which includes cite law cases, summary's, reports, etc., along with the Motion to Dismiss, for my files.

Thank you for your attention to this matter.

Sincerely,

Anthony Leo
Anthony Leo

AL/afc
C.C.: File

SUPERIOR COURT DEPARTMENT
CRIM. NO. 02-0830COMMONWEALTH OF
MASSACHUSETTSvs.
ANTHONY LEO,
Defendant

MOTION TO WITHDRAW

NOW COMES undersigned counsel, who requests leave to withdraw as counsel for the following reasons:

1. Defendant is in custody in Bridgewater, MA and has had at least three (3) attorneys previously appointed.
2. I am a solo practitioner admitted since 1986, with an emphasis as a trial lawyer in civil and criminal cases.
3. I accepted the appointment in this case on or about February 26, 2004 and began my investigation in early March, 2004.
4. The defendant writes my office at least 3 times per week and telephones about 3 times per week. A component of this case is pending at the SJC and this is my first pre-trial appearance in this action.
5. My busy trial schedule does not permit me time to properly devote attention to this action, and I request leave to withdraw.

Respectfully

Daniel W. Lomlin
BBO # 548200

April 12, 2004